

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

ANDREWS

Serial No. 09/707,886

Filed: November 8, 2000

For: MOLD PART GUIDE MECHANISM

Atty. Ref.: 3700-2

Group: 1722

Examiner: E. Luk

October 12, 2004

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

I. REAL PARTY IN INTEREST

The real party in interest in the above-identified appeal is Hammonton
Mold Co. Inc. by virtue of an Assignment from the inventor submitted for
recordation on November 8, 2000 and recorded at Reel 14749, Frame 113.

Adjustment date: 10/13/2004 CNGUYEN
01/22/2004 MDANTE1 00000084 09707886
01 FC:2402 -165.00 DP

10/13/2004 CNGUYEN 00000096 09707886
01 FC:2402 170.00 DP

Adjustment date: 06/01/2005 SDIRETA1
10/13/2004 CNGUYEN 00000096 09707886
01 FC:2402 -170.00 DP

Repln. Ref: 06/01/2005 SDIRETA1 0008043500
DAH:141140 Name/Number:09707886
FC: 9204 \$165.00 CR

Repln. Ref: 06/01/2005 SDIRETA1 0008052500
DAH:141140 Name/Number:09707886
FC: 9204 \$5.00 CR

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TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt.: 3700-2

C# M#

ANDREWS

Group Art Unit: 1722

Serial No. 09/707,886

Examiner: E. Luk

Filed: November 8, 2000

Date: November 19, 2003

Title: MOLD PART GUIDE MECHANISM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
NOV 25 2003
TC 1700

Sir:

☐ Correspondence Address Indication Form Attached.

☒ **NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Appeals from the decision dated
May 19, 2003 of the Examiner twice/finally
rejecting claims 1-13 (\$ 330.00)

\$ 330.00

☐ An appeal BRIEF is attached in triplicate in the pending appeal of the
above-identified application (\$ 330.00)

\$

☒ Credit for fees paid in prior appeal without decision on merits

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☐ A reply brief is attached in triplicate under Rule 193(b)

(no fee)

☒ Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months; \$1480.00/4 months)

\$ 950.00

SUBTOTAL \$ 1280.00

☒ Applicant claims "Small entity" status, enter 1/2 of subtotal and subtract

-(640.00)

☐ "Small entity" statement attached.

SUBTOTAL \$ 640.00

Less month extension previously paid on

-(0.00)

TOTAL FEE ENCLOSED \$ 640.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or
asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this
firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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SCS:kmm

NIXON & VANDERHYTE P.C.
By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: 

11/20/2003 HDESS1 00000080 09707886

01 FC:2401
02 FC:2253

165.00 OP
475.00 OP

Rep'n. Ref: 06/01/2005 SDIRETA1 0008025300
DAH:141140 Name/Number:10140117 \$165.00 CR
FC: 9204

Adjustment date: 06/01/2005 SDIRETA1
11/20/2003 HDESS1 00000080 09707886
01 FC:2401 -165.00 OP

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Filed: November 8, 2000

Examiner: E. Luk

For: MOLD PART GUIDE MECHANISM

* * * * *

March 30, 2005

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

REQUEST FOR REFUND

A refund is respectfully requested for the Notice of Appeal fees (\$165.00 paid November 19, 2003 and \$5.00 paid October 12, 2004) and Appeal Brief fee (\$165.00 paid January 20, 2004), as the Examiner's late allowance of this application obviates the need for appeal. The only reason the appeal was needed to prevent abandonment was because the Examiner improperly rejected the claims. No claim amendment was filed and the Examiner allowed the application after the applicant incurred the expense of appeal.

Accordingly, it is requested that the appeal fees totaling \$335.00 be refunded to applicant's undersigned attorney by crediting \$335.00 to Deposit Account No. 14-1140 under Order No. 3700-2. For this purpose a duplicate copy of this paper is enclosed.

ANDREWS

Serial No. 09/707,886

Respectfully submitted,

NIXON & VANDERBYE P.C.

By: 

Stanley C. Spooner

Reg. No. 27,393

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